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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 LEAH VAUGHN,

16 Defendants.
17

CR 15-332-JD

STIPULATION AND ~~PROPOSED~~ ORDER
TO CONTINUE STATUS HEARING TO
OCTOBER 25, 2017 AND EXCLUDE TIME
UNDER THE SPEEDY TRIAL ACT

Date: October 11, 2017
Time: 10:30 a.m.

18 Ms. Vaughn is charged in an eleven count indictment with wire fraud, in violation of 18 U.S.C.
19 § 1343, filing false claims, in violation of 18 U.S.C. § 287, and aggravated identity theft, in violation
20 of 18 U.S.C. § 1028A. She is not in custody. A status hearing in this case is set for October 11, 2017.
21 The government has produced approximately 24,000 pages of discovery pursuant to a protective order.

22 The parties are continuing to negotiate a resolution to the case and request the Court continue
23 the status hearing one last time. The proposed diversion resolution agreed to by Ms. Vaughn and
24 recommended by the U.S. Attorney's Office for the Northern District of California, was rejected by the
25 U.S. Department of Justice, Tax Division. Nonetheless the parties are continuing to work together to
26 resolve the case. If the parties are unable to reach a resolution, then the parties will propose a briefing
27 schedule to the Court concerning a motion to dismiss the indictment for Speedy Trial violation due to
28 post-indictment delay that Ms. Vaughn intends to file.

1 Therefore, the parties request the status hearing in this case be continued to October 25, 2017 at
2 10:30 a.m. in the San Francisco courthouse to provide additional time for the parties to negotiate a
3 resolution to the case.

4 The parties also agree that time should be excluded under the Speedy Trial Act, 18 U.S.C. §
5 3161, between October 11 and October 25, 2017. Time has already been excluded between May 18,
6 2017, the date of Ms. Vaughn's initial appearance, and October 11, 2017 for the effective preparation
7 of counsel, taking into account the exercise of due diligence, under 18 U.S.C. § 3161(h)(7)(B)(iv). For
8 that same reason, time should continue to be excluded as defense counsel continues reviewing
9 voluminous discovery and the parties continue to pursue a resolution to the case.

10 Thus, the parties request (1) this Court continue the October 11, 2017 status hearing to October
11 25, 2017; and (2) exclude time under the Speedy Trial Act.

12
13 DATED: October 3, 2017

/s/
HANNI M. FAKHOURY
Assistant Federal Public Defender

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15 DATED: October 3, 2017

/s/
JOSE A. OLIVERA
Assistant United States Attorney

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2 **PROPOSED ORDER**

3 Based on the reasons provided in the stipulation of the parties above, the Court hereby:

- 4 1. Continues the October 11, 2017 status hearing to October 25, 2017 at 10:30 a.m., in the
5 San Francisco courthouse;
- 6 2. Finds good cause to exclude the time between October 11, 2017 and October 25, 2017
7 from the Speedy Trial Act for the effective preparation of counsel, taking into account
8 due diligence, under 18 U.S.C. § 3161(h)(7)(B)(iv).
- 9 3. Barring any unforeseen circumstances, this will be the last continuance.
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11 **IT IS SO ORDERED.**

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13 DATED: October 6, 2017

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17 HONORABLE JAMES DONATO
18 United States District Judge
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